

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

MARIA A. LONGORIA,
Plaintiff,

vs.

**SWIFT BEEF COMPANY,
Defendant.**

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**CIVIL ACTION NO.** \_\_\_\_\_

## JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Maria A. Longoria, hereinafter called Plaintiff, complaining of and about Swift Beef Company, hereinafter called Defendant, and for cause of action shows unto the Court the following:

## PARTIES AND SERVICE

1. Plaintiff Maria A. Longoria, is a citizen of the United States and the State of Texas and resides in Moore County, Texas.

2. Defendant Swift Beef Company, a Delaware corporation, may be served by serving Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, its agent authorized to accept service at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

## JURISDICTION

3. The action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2, as hereinafter more fully appears.

4. This Court has supplemental jurisdiction over state law claims discussed below under 28 U.S.C. Section 1367(a) because they arise out of the same case or controversy.

### **NATURE OF ACTION**

5. This is an action under Title 42 U.S.C. Section 2000e et. seq. as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion.

### **CONDITIONS PRECEDENT**

6. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein and Plaintiff's Complaint is filed within ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

### **FACTS**

7. Plaintiff was an employee from July of 1986 through January of 2014 at the J.B.S. Swift and Company beef packing plant in Cactus, Texas. At all times relevant to this complaint, Plaintiff was an employee of Defendant. On or about March of 2013, Donna Estrada, a Technical Service Manager, employed by Defendant at the Cactus beef packing plant, began having prayer meetings in her office at noon on Wednesdays. Plaintiff was encouraged to attend, even though Plaintiff is a Catholic and the prayer meetings were held as Protestant prayer meetings.

8. For a period of time, Plaintiff attended the prayer meetings. Because of Plaintiff's religious beliefs, Plaintiff was not comfortable in the prayer meetings, and often missed lunch as a result of attending the prayer meetings. Additionally, the prayer meetings were taking away from Plaintiff's work duties for Defendant. Plaintiff stopped attending the prayer meetings. When Plaintiff stopped attending the meetings, she was harassed by Donna Estrada and she began receiving low performance evaluations for the first time since she had been employed at

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the Cactus plant. Additionally, Ms. Estrada took Plaintiff's responsibilities as a supervisor away from her. Eventually, Plaintiff was terminated as a result of her failing to attend the prayer meetings.

## **CAUSES OF ACTION**

### **COUNT I RELIGIOUS DISCRIMINATION**

Maria A. Longoria, for her Count 1 of this Complaint, inclusive of the foregoing, alleges and states:

9. Plaintiff, as a Catholic, did not want to attend the Protestant prayer meetings. In order to keep her job, it was necessary for her to attend the prayer meetings.

10. Plaintiff informed Defendant that she did not want to attend the prayer meetings.

11. Plaintiff was punished and eventually discharged for failing to attend the meetings.

12. Defendant, Swift Beef Company, engaged in unlawful employment practices involving Plaintiff, by requiring that Plaintiff attend a Protestant prayer meeting. Defendant discriminated against Plaintiff because she is a Catholic.

13. Defendant, Swift Beef Company, discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment in violation of 42 U.S.C. Section 2000e-(2)(a). The effect of these practices has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect her status as an employee because of her religion.

### **COUNT II RETALIATION BY SWIFT BEEF COMPANY**

In addition to the foregoing and as Count II of this Complaint, Plaintiff realleges herein as though repeated in full each allegation contained in paragraphs 1-13, inclusive and, further, Plaintiff alleges and states:

14. Plaintiff alleges that Defendant Swift Beef Company instituted a campaign of retaliation which included depriving Plaintiff of her position as a supervisor, depriving Plaintiff of her bonus and eventually terminating Plaintiff's employment. The retaliation occurred because Plaintiff failed to attend the prayer meetings. This retaliation was and is due to Plaintiff exercising her rights by opposing a discriminatory practice based on Plaintiff's religious beliefs as a Catholic. Plaintiff suffered damages for which Plaintiff herein sues.

#### **DAMAGES**

15. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant described hereinabove:

- a. Back pay from the date that Plaintiff was terminated;
- b. Front pay in an amount the Court deems equitable and just to make Plaintiff whole;
- c. Loss of benefits;
- d. All reasonable and necessary costs incurred in pursuit of this suit;
- e. All reasonable and necessary attorney's fees incurred by or on behalf of Plaintiff; and
- f. Punitive damages.

#### **SPECIFIC RELIEF**

16. Plaintiff seeks the following specific relief which arises out of the actions and/or

omissions of Defendant described hereinabove:

- a. Reinstatement Plaintiff to the position and pay grade which Plaintiff held but for the unlawful employment actions of Defendant.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Maria A. Longoria, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages, as alleged herein, in an amount within the jurisdictional limits of the Court, including punitive damages; together with interest as allowed by law; costs of court; attorney's fees and such other and further relief to which the Plaintiff may be entitled at law or in equity. Plaintiff further prays that she be reinstated to the position and pay grade which Plaintiff held as an employee of Defendant when she was terminated.

Respectfully submitted,

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By: \_\_\_\_\_

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**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**